

REMARKS

The applicant respectfully requests reconsideration in view of the following remarks.

This is a reissue application so the claims have been amended according to the reissue rules.

In claim 8, in the last response the undersigned inadvertently did not include the second set of brackets deleting the phrase “especially 20 to 99% by weight”. It is noted that this was deleted in the preliminary amendment filed with the application. In claim 8, the applicant has changed the word “mixtures” in line 1 to the singular form “mixture”. In claim 13, the applicant has changed the word “mixtures” in line 1 to the singular form “mixture”. In claims 14 and 15 the applicant has corrected the dependency. The applicant also deleted the multiple dependencies. These were obvious clerical errors in the claims. The amendments to claims 13-15 are shown in the Appendix.

Support for newly added claims 16 and 19 can be found in the specification at col. 5, lines 11-15. Support for newly added claims 17, 18 and 20 can be found in the original claim 6.

Claims 1-5 and 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combinations of the teachings of JP 60-015460 Suzuki et al.; (Suzuki”), GB 1582743 Bennett et al. which appears to be an equivalent of DE 2818653 (“Bennett”), and GB 2030169 Altermatt et al. (“Altermatt”). The applicant respectfully traverses this rejection.

In the middle of page 4 of the office the Examiner asserted that the invention could be solved by “little kids”. The applicant respectfully disagrees. The correct problem underlying the present invention, however, is given on column 1, lines 6-8 of the applicant’s patent as granted: “It is an object of the present invention to provide navy to black disperse dye mixtures having good application properties”.

The Examiner is arguing that the individual dyes of the present claims are known and that

therefore compositions containing them would have been expected to possess a combination of the properties inherent to the individual dyes.

In order to expedite prosecution the applicant submits two Rule 132 Declarations executed by Adrian Murgatroyd. The applicant has performed comparisons which clearly show that the build-up behavior of inventive dye mixtures is not just a combination of the properties of the individual dyes but is by far superior. The results are given in the enclosed two Declarations, both signed by Adrian Murgatroyd.

The applicant has used the dye of formula (Ia) of the granted patent as dye (I) in both comparisons and as dye (II) the dye of formula (IIa) in one case and the bromine version of the dye of formula (IIh) in the other case. Further, the applicant has compared both inventive mixtures in ratios of 5:95, 50:50 and 60:40. These limits are given on column 5, lines 11-15 of the granted patent. The applicant believes that these declarations establish unexpected results. For the reasons this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

A two month extension fee has been paid. Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05579-00304-US from which the undersigned is authorized to draw.

Dated: February 20, 2008

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/
Ashley I. Pezzner
Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant

Enclosure: Two Declarations (Rule 132)

APPENDIX

13. The [mixtures] mixture of claim 1, comprising 1 to 80% by weight of at least one compound of the formula (I) and 20 to 99% by weight of at least one compound of the formula (II), based on total amount of dye.
14. A process for producing the dye preparation of [claim 1]claim 9, in which the individual dyes of the dye mixture [of claim 1] are ground in water in the presence of a dispersant, then mixed and optionally dried or in which the dye mixture [of claim 1] is ground in water in the presence of a dispersant and optionally dried wherein the mixture comprises 1 to 99% by weight of at least one compound of the formula (I) and 1 to 99% by weight of at least one compound of the formula (II), based on total amount of dye.
15. A process for producing the dye preparation of [claim 1]claim 9, in which the individual dyes of the dye mixture [of claim 1] are ground in water in the presence of a dispersant, then mixed and optionally dried or in which the dye mixture of [claim 1] is ground in water in the presence of a dispersant and optionally dried wherein the mixture comprises 1 to 80% by weight of at least one compound of the formula (I) and 20 to 99% by weight of at least one compound of the formula (II), based on total amount of dye.